

## REMARKS

In the Official Action mailed on **17 July 2008**, the Examiner reviewed claims 1-28. Examiner rejected claims 1-28 under 35 U.S.C. § 103(a) based on Auerbach (U.S. Patent No. 6,832,253, hereinafter “Auerbach”), and Martija et al. (U.S. Patent No. 7,039,689, hereinafter “Martija”).

### Rejections under 35 U.S.C. § 103

Examiner rejected claims 1-28 under 35 U.S.C. § 103(a) based on Auerbach, and further based on Martija et al. Applicant respectfully disagrees.

Specifically, in embodiments of the present invention, when a peer node sends a request for content to a directory server, **the peer node is automatically considered as a potential candidate server** for any future content requests from other peers. The directory server enters the name of the requesting peer node into a list of candidate servers that is maintained for serving that content (see paragraph [0031] of the instant application).

In contrast, the Auerbach system distinguishes between clients and servers (see Auerbach, col. 6, lines 15-26, and Fig. 2A). Clients place requests for content. Video servers that satisfy the “proximity” determination defined in the Auerbach system fulfill the request to the clients. In other words, the clients in the Auerbach system are not identified to be candidate servers.

Hence, Applicant respectfully submits that there is nothing in the Auerbach system or the Martije system, either singly or in concert, that discloses that when a client places a request for content, it is automatically entered into a list of potential candidate servers for that content.

Accordingly, Applicant has amended claims 1, 10, and 19 to clarify that when a peer node sends a request for content to a directory server, the peer node is automatically identified as a potential candidate server, and thus appears in a

list of potential candidate servers for that content. These amendments find support in paragraph [0031] of the instant application. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 1, 10, and 19, as presently amended are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend upon claim 10, and claims 20-28, which depend upon claim 19, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

### CONCLUSION

It is submitted that the application is presently in form for allowance.  
Such action is respectfully requested.

Respectfully submitted,

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